

REMARKS

Claim 35 has been rejected under 35 USC §112, second paragraph, for indefiniteness. The claim has been cancelled in favor of its concurrent submission in copending application 10/443231, filed 05/21/2003, pending, published as US 2003-0208263. The subject matter of claim 35 does not interfere with the Roubin patent and so it is believed that moving the subject matter to the copending application is likely to produce a more expeditious process to issuance of the claim.

To assist the Examiner in setting up the requested interference, the Applicant is submitting herewith a separate paper titled "Letter Supplementing and Amending Request for Interference." The status of priority related applications for both the applicant and for the Roubin patent has been updated, the Count has been identified, the claims of the Roubin patent and its progeny have been reanalyzed, and the designation of Roubin claims has been expanded to encompass additional claims, not copied in this application, but which nevertheless do not recite a patentable invention to Roubin over the proposed Count for the interference. All information required by new rule 37 CFR 41.202(a)(1)-(6) has been provided. The specific prior art relied upon to reach the conclusion that the additional Roubin claims should be designated as corresponding to the Count, and applicant's reasoning in applying the prior art to the additional claims has also been provided to expedite the Examiner's task in setting up the interference (see 37 CFR 41.207(b)(2)).

The Assignee of the present invention owns the following applications which disclose or claim certain aspects of claims of the Roubin patent family that have not been copied in the present application: 10/123,883 (Jang); 09/934,310 (Jang); 09/934,178 (Brown et al.); 09/427,310 (Goicoechea et al).

Also submitted herewith is a Request for Correction of a USPTO File of An Ancestor Application to correct a discrepancy in the USPTO file for application 08/246,320.


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August 25, 2005

Amendment
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It is hoped that the submission of this Amendment and the accompanying "Letter Supplementing and Amending Request for Interference" will result in an expeditious declaration of the interference.

Respectfully submitted,
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Date: 8/25/2005

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